

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NICHOLAS MCCRIGHT,

Plaintiff,

vs.

SARAH VENTURA TRISTAN, Individual;
MARIAH MCGRONE, Individual; and
DENAE L. REEVES, Individual;

Defendants.

8:24CV385

ORDER TO SHOW CAUSE

This matter comes before the Court on its own motion after review of the docket. Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint in this matter on October 1, 2024. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service or signed waiver as to the following defendants: Sarah Ventura Tristan, Mariah McGrone, and Denae L. Reeves. Nor have those defendants entered a voluntary appearance or otherwise indicated they have been provided proper notice of this action. Plaintiff has not requested an extension of time to complete service, although the Court previously advised Plaintiff, “the time to effect service against [the aforementioned unserved defendants] pursuant to Federal Rule of Civil Procedure 4(m) continues to run” in its November 22, 2024, Memorandum and Order. (Filing No. 36). Although Plaintiff is proceeding pro se, Plaintiff must nevertheless comply with local rules, court orders, and the Federal Rules of Civil Procedure. See [Ackra Direct Mktg. Corp. v. Fingerhut Corp.](#), 86 F.3d 852, 856 (8th Cir. 1996) (“In general, *pro se* representation does not excuse a party from complying with a court’s orders and with the Federal Rules of Civil Procedure.”); [Bennett v. Dr Pepper/Seven Up, Inc.](#), 295 F.3d 805, 808 (8th Cir. 2002) (a litigant’s “*pro se* status d[oes] not entitle him to disregard the Federal Rules of Civil Procedure[.]”).

Therefore, Plaintiff must show cause why this case should not be dismissed for failure to serve defendants Sarah Ventura Tristan, Mariah McGrone, and Denae L. Reeves. Accordingly,

IT IS ORDERED: Plaintiff shall have until **January 27, 2025**, to show cause why this case should not be dismissed as to defendants Sarah Ventura Tristan, Mariah McGrone, and Denae L. Reeves pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 6th day of January, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge